REMARKS

By the present amendment, Applicant has amended claim 1 and cancelled claim 12 without prejudice or disclaimer. Support for the amendment can be found at, for example, paragraphs 047, 049, 051, 059, 094, and 0157 of Applicant's specification. Upon entry of this amendment, claims 1-8 and 10-11 will be pending and under current examination.

In the Final Office Action[1] dated January 8, 2007, the Examiner rejected claims 1-8, 10-11 under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. (WO 97/15009) to Bajpai ("*Bajpai*") in view of U.S. Patent No. 5,111,384 to Aslanian et al., ("*Aslanian*"); and rejected claim 12 under 35 U.S.C. § 102(b) as being anticipated by *Bajpai*. As Applicant has cancelled claim 12, the rejection of claim 12 is now moot.

I.   Rejection of Claims 1-8, 10-11 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-8 and 10-11 under 35 U.S.C. § 103(a) as being unpatentable over *Bajpai* in view of *Aslanian* because no *prima facie* case of obviousness has been established. As M.P.E.P. § 2142 states, "[t]he Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness."

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

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1 As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

art, to modify the reference or to combine reference
teachings. Second, there must be a reasonable expectation
of success. Finally, the prior art reference (or references
when combined) must teach or suggest all the claim
limitations. The teaching or suggestion to make the claimed
combination and the reasonable expectation of success
must both be found in the prior art, and not based on
applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20
USPQ2d 1438 (Fed. Cir. 1991). M.P.E.P. § 2142, 8th Ed.,
Rev. 5 (August 2006), p. 2100-125, 126.

Each of these requirements must "be found in the prior art, and not be based on

applicant's disclosure." M.P.E.P. § 2143.

Here, no *prima facie* case of obviousness has been established for at least the

reason that the cited references fail to teach or suggest each and every element of

independent claim 1.

For example, independent claim 1 recites, *inter alia*, "a knowledge module that

stores knowledge representations by classifying the knowledge representations into

context groups, wherein each context group is classified according to at least one

predefined context, and wherein the knowledge representations comprise entries for

specific problem symptoms and corresponding solutions" and "an inference module that

processes problem related data with knowledge representations where the context of

the evaluated problems is used to select at least one appropriate context group of the

knowledge representations to identify solutions, wherein the inference module forwards

the solutions through the service module to the main system." *Bajpai* and *Aslanian*,

whether taken alone or in any proper combination, do not teach or suggest at least the

above elements of independent claim 1.

The Examiner argues that *Bajpai* teaches the claimed "knowledge

representations" as the decision nodes on Figure 3 of *Bajpai* (see Final Office Action,

page 5, lines 1-2). However, the decision nodes from *Bajpai* are data structures that are located within the problem-solution database. In particular, the "decision node is a point where a question is posed…and from where execution flows based on the answer to that question." (*Bajpai*, page 7, lines 12-14). There is no evidence in *Bajpai* that the decision nodes have "entries for specific problem symptoms" or "corresponding solutions," nor are either of those limitations inherent. Accordingly, the decision nodes of *Bajpai* do not constitute or suggest "knowledge representations [that] comprise entries for specific problem symptoms and corresponding solutions," as recited in independent claim 1 (emphasis added).

Further, *Bajpai* does not teach or suggest "classifying the knowledge representations into context groups according to at least one predefined context," as required by independent claim 1. The decision nodes in *Bajpai* (the alleged "knowledge representations") are not classified. Instead, they are only nodes in a decision tree, within a database, that are traversed to diagnose a system problem (*Bajpai*, page 7, lines 1-16). *Bajpai* does not teach or suggest "classifying…into context groups" since the decision nodes are stand-alone nodes in a tree and are not grouped. The Examiner argues that "[a] context may, for example, be related to system performance, such as the status of a digital data processor" (Final Office Action , page 2, lines 11-12). However, *Bajpai* only discloses that a decision node may inquire regarding the status of the digital data processor (*Bajpai*, page 7, line 13), but not that the decision nodes are grouped according to the status of the digital data processor. Finally, the status of a digital processor in *Bajpai*, even if considered a context, which Applicant doesn't agree, is not predefined. It is the current status of the digital data processor that is being used

in the problem evaluation. Therefore, *Bajpai* also does not teach that the

"classifying…[is] according to at least one predefined context", as required in

independent claim 1.

Finally, *Bajpai* does not teach that "the context of the evaluated problems is used

to select at least one appropriate context group of the knowledge representations," as

required by claim 1. The Examiner argues that "the context of the evaluated problems"

is taught by the decision node (Final Office Action, page 4, lines 22-23, "where the

decision nodes are interpreted as contexts"). Even if, *arguendo*, the Examiner's

allegations are correct, which Applicant doesn't concede, *Bajpai* does not teach or

suggest that contexts are "used to select at least one appropriate context group of the

knowledge representations," as required by independent claim 1. Although the decision

nodes in *Bajpai* can obtain other decision nodes (*Bajpai*, Figure 3), the decision nodes

cannot "select at least one appropriate context group" because the decision nodes do

not constitute or suggest a "context group," as claimed.

Aslanian fails to cure the deficiencies of *Bajpai*. That is, *Aslanian* fails to teach or

suggest "a knowledge module that stores knowledge representations by classifying the

knowledge representations into context groups, wherein each context group is classified

according to at least one predefined context, and wherein knowledge representations

comprise entries for specific problem symptoms and corresponding solutions" and "an

inference module that processes problem related data with knowledge representations

where the context of the evaluated problems is used to select at least one appropriate

context group of the knowledge representations to identify solutions, wherein the

inference module forwards the solutions through the service module to the main

system," as required by claim 1. Accordingly, *Bajpai* and *Aslanian*, taken individually or in combination, do not teach or suggest each and every element of independent claim 1 for at least the above reasons. Therefore, no *prima facie* case of obviousness has been established with respect to claim 1, and the rejection of the claim under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Claims 2-8, and 10-11 each depend from claim 1 and, thus, require all elements thereof. As set forth above, both *Bajpai* and *Aslanian* fail to teach or suggest each and every element of claim 1. Accordingly, *Bajpai* and *Aslanian* fail to establish a *prima facie* case of obviousness with respect to claims 2-8 and 10-11 at least due to their dependence. Therefore, the Examiner should also withdraw the rejection of claims 2-8 and 10-11 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing remarks, Applicant requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 9, 2007   By:

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